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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Report of the Third Committee (Part IV)*

Rapporteur: Ms. Victoria SANDRU (Romania)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Human rights questions: human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. For the documents before the Committee under this item, see document A/51/619.

3. The Committee considered the item jointly with sub-items 110 (b), (d) and (e) at its 38th to 52nd meetings, on 14, 15, 18 to 22, 25 and 26 November 1996, and took action on the item at its 53rd to 56th meetings, on 26, 27 and 29 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/51/SR.38-56).

4. At the 38th meeting, on 14 November, the United Nations High Commissioner for Human Rights made an introductory statement.

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* The report of the Committee on agenda item 110 will be issued in six parts, under the symbol A/51/619 and Add.1-5.

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II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/51/L.40

5. At the 50th meeting, on 25 November, the representative of Ireland, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Monaco, the Netherlands, Norway, Portugal, Slovakia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in Iraq" (A/C.3/51/L.40). Subsequently, Israel, Poland, San Marino and the United States of America joined in sponsoring the draft resolution.

6. In introducing the draft resolution, the representative of Ireland orally revised it by replacing operative paragraph 4, which had read:

> "4. Expresses its grave concern at the action of military forces, including heavy artillery and tanks, against civilian targets in northern Iraq, resulting in numerous deaths and a large number of arrests and missing persons",

with the following text:

> "4. Expresses its grave concern at the action of military forces in northern Iraq, including heavy artillery and tanks, against civilian targets, resulting in numerous deaths and a large number of arrests and missing persons".

7. At the 55th meeting, on 27 November, the representative of Ireland further orally revised the draft resolution by deleting operative paragraph 4.

8. At the same meeting, statements were made by the representatives of Iraq, Ireland (on behalf of the European Union), Egypt and Cuba (see A/C.3/51/SR.55).

9. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.40, as orally revised, by a recorded vote of 102 to 2, with 51 abstentions (see para. 71, draft resolution I). The voting was as follows:[1]

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan,

[1] The representative of Portugal subsequently indicated that had he been present he would have voted in favour.

Kazakstan, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia.

Against: Libyan Arab Jamahiriya, Sudan.

Abstaining: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cape Verde, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Pakistan, Papua New Guinea, Philippines, Sierra Leone, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

10. After the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic, the Sudan and Kuwait (see A/C.3/51/SR.55).

B. Draft resolution A/C.3/51/L.41 and Rev.1

11. At the 50th meeting, on 25 November, the representative of Ireland, on behalf of Andorra, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Monaco, the Netherlands, Norway, Portugal, San Marino, Slovakia, Spain, Sweden, and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/51/L.41), which read:

"The General Assembly,

"Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, reaffirmed that human rights and fundamental freedoms were

the birthright of all human beings and that their protection and promotion was the first responsibility of Governments,

"Reaffirming that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments in this field,

"Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

"Recalling the appointment by the Chairman of the Commission on Human Rights of Mr. Maurice Danby Copithorne as Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran,

"Recalling its previous resolutions expressing concern at the violations of human rights by the Government of the Islamic Republic of Iran, including the most recent, resolution 50/188 of 22 December 1995, and the resolutions of the Commission on Human Rights, including the most recent, resolution 1996/84 of 24 April 1996, and of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1996/7 of 20 August 1996,

"Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Rapporteur of the Commission on Human Rights on religious intolerance and the Special Rapporteur of the Commission on Human Rights on freedom of opinion and expression, who have been able to visit the Islamic Republic of Iran, and bearing in mind the reports of those Special Rapporteurs on their visits,[2]

"Taking note of the interim report of the Special Representative of 11 October 1996,[3] and his intention to present a substantive report to the Commission on Human Rights,

"Noting with interest the observation by the Special Representative in his report regarding the requests by the Government of the Islamic Republic of Iran for technical assistance and advisory services from the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights of the Secretariat at Geneva, as well as from the Crime Prevention and Criminal Justice Branch of the Secretariat at Vienna,

"Considering that continued international scrutiny of human rights and fundamental freedoms in the Islamic Republic of Iran is warranted and that the subject should remain on the agenda of the General Assembly,

"1. Expresses its concern at the continuing violations of human rights in the Islamic Republic of Iran, in particular the high number of

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[2] E/CN.4/1996/95/Add.2 and Corr.1 and E/CN.4/1996/39/Add.2.

[3] A/51/479.

executions in the absence of guarantees of due process of law, cases of torture and cruel, inhuman or degrading treatment or punishment, the failure to meet international standards with regard to the administration of justice, violations of the right to peaceful assembly and restrictions on the freedom of expression, thought, opinion and the press;

"2. Also expresses its concern at the grave breaches of human rights of the Baha'is in the Islamic Republic of Iran and situations of discrimination against the members of this religious community, as well as at the discriminatory treatment of minorities by reason of their religious beliefs, including lack of adequate protection for the Christian minorities, some members of which have been the target of intimidation and assassination;

"3. Further expresses its concern at the widespread discrimination against women in the Islamic Republic of Iran and the lack of full and equal enjoyment by women of human rights, and calls upon the Government of the Islamic Republic of Iran to take effective measures to eliminate all discrimination against women;

"4. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

"5. Calls upon the Government of the Islamic Republic of Iran to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians;

"6. Expresses its grave concern at the significant toughening of criminal legislation and its application in Iran and in particular at the incidence of capital punishment imposed for non-violent crimes, in particular cases of apostasy, in violation of the relevant provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

"7. Expresses its concern at the harassment and persecution of persons, including writers and members of the press, seeking to exercise their freedom of expression;

"8. Calls upon the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

"9. Expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran;

"10. Deplores the continuing violence against Iranians outside the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to refrain from activities against members of the Iranian opposition living abroad and the harassment of their relatives within Iran, and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

"11. Welcomes the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, who has been able to conduct a preliminary visit to the Islamic Republic of Iran;

"12. Expresses its hope that the Special Representative will again be allowed to visit the Islamic Republic of Iran in the discharge of his mandate;

"13. Requests the Secretary-General to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

"14. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its fifty-second session under the item entitled 'Human rights questions', on the basis of the report of the Special Representative and in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council."

12. At its 56th meeting, on 29 November, the Committee had before it a revised draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/51/L.41/Rev.1) submitted by Ireland on behalf of the sponsors of draft resolution A/C.3/51/L.41. Subsequently, Japan, Poland and the United States of America joined in sponsoring the draft resolution.

13. At the same meeting, statements were made by the representatives of Ireland (on behalf of the European Union), the Islamic Republic of Iran, Algeria and Egypt (see A/C.3/51/SR.56).

14. Also at the same meeting, the Committee adopted revised draft resolution A/C.1/51/L.41/Rev.1 by a recorded vote of 78 to 26, with 49 abstentions (see para. 71, draft resolution II). The voting was as follows:

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Suriname, Swaziland, Sweden, The former

Yugoslav Republic of Macedonia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Gambia, Ghana, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Maldives, Myanmar, Nigeria, Oman, Pakistan, Qatar, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Albania, Angola, Bahrain, Belarus, Benin, Bhutan, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Comoros, Congo, Côte d'Ivoire, Cyprus, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Guinea, Guinea-Bissau, Jordan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Mali, Mauritania, Mozambique, Namibia, Nepal, Niger, Philippines, Republic of Korea, Republic of Moldova, Saudi Arabia, Senegal, Singapore, South Africa, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

15. After the adoption of the draft resolution, the representative of South Africa made a statement (see A/C.3/51/SR.56).

C. Draft decision A/C.3/51/L.43 and draft resolution A/C.3/51/L.44

16. At its 47th meeting, on 21 November, the Committee had before it a draft decision entitled "Situation of human rights in Estonia and Latvia" (A/C.3/51/L.43), submitted by Estonia and Latvia, which read:

> "The General Assembly takes note of the information provided by the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, in relation to the situation of human rights in Estonia and Latvia, pursuant to General Assembly resolution 48/155 of 20 December 1993, and decides to conclude its consideration of this matter."

17. At the same meeting, the Committee had before it a draft resolution entitled "Situation of human rights in Estonia and Latvia" (A/C.3/51/L.44) submitted by the Russian Federation, which read:

> "The General Assembly,
>
> "Recalling its resolutions 47/115 of 16 December 1992 and 48/155 of 20 December 1993,
>
> "Taking into account relevant provisions of the Universal Declaration of Human Rights,

"Mindful of the concluding observations of the Human Rights Committee on the initial reports of Estonia[4] and Latvia,[5]

"Having considered the oral information provided by the Secretary-General pursuant to resolution 48/155,

"1. Welcomes the efforts undertaken by the Organization for Security and Cooperation in Europe and the Council of the Baltic Sea States, in particular with regard to improving the situation of the so-called 'non-citizens' in Estonia and Latvia, and encourages further efforts of the relevant regional organizations, as well as bilateral efforts of interested countries, in this direction;

"2. Calls upon the Governments of Estonia and Latvia to take necessary legislative and administrative measures to resolve the remaining issues in accordance with the recommendations of international and regional bodies;

"3. Requests the Secretary-General to monitor the efforts undertaken in this regard at regional, bilateral and other levels and to inform the Assembly at its fifty-third session on progress achieved in the situation of human rights in Estonia and Latvia."

18. At its 55th meeting, on 27 November, the Committee adopted, by consensus a draft decision proposed orally by the Chairperson (see para. 72, draft decision I).

19. At the same meeting, in the light of the adoption of the draft decision proposed orally by the Chairperson, the Committee decided to take no action on draft decision A/C.3/51/L.43 and draft resolution A/C.3/51/L.44.

D. Draft resolution A/C.3/51/L.49

20. At its 48th meeting, on 22 November, the Committee had before it a draft resolution entitled "Situation of human rights in Afghanistan" (A/C.3/51/L.49), submitted by the Chairperson.

21. At the 53rd meeting, on 26 November, the representative of Yemen made a statement (see A/C.3/51/SR.53).

22. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.49 without a vote (see para. 71, draft resolution III).

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[4] CCPR/C/79/Add.59.

[5] CCPR/C/79/Add.53.

E. Draft resolution A/C.3/51/L.53 and Rev.1

23. At the 50th meeting, on 25 November, the representative of Ireland, on behalf of Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "Situation of human rights in Nigeria" (A/C.3/51/L.53), which read:

"The General Assembly,

"Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Vienna Declaration and Programme of Action and other human rights instruments,

"Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments in this field,

"Mindful that Nigeria is a party to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

"Recalling its resolution 50/199 of 22 December 1995 and Commission on Human Rights resolution 1996/79 of 23 April 1996 on the situation of human rights in Nigeria,

"Deeply concerned about the human rights situation in Nigeria and the suffering caused thereby to the people of Nigeria,

"Expressing concern that the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms, and recalling in this regard the popular support for democratic government as evidenced in the 1993 elections,

"Recalling the announcement made by the Government of Nigeria on 1 October 1995 in which it affirmed the principle of multi-party democracy and the principle of power-sharing, and its intention to lift the ban on political activities and the press, to devolve power to the local levels of government and to subordinate the military to civilian authority,

"Strongly disappointed that only limited action in this regard has followed, and regretting that political associations have been instructed to disband, while noting the recent registration of five political parties,

"Welcoming the report of the mission sent to Nigeria by the Secretary-General pursuant to General Assembly resolution 50/199, and noting the interim response of the Government of Nigeria to that mission,

"Welcoming also the resumption of dialogue between Nigeria and the Commonwealth,

"Taking note with appreciation of the joint interim report of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions,[6]

"Noting with deep concern reports of grave violations of human rights, including extrajudicial, summary or arbitrary executions and arbitrary detention, failure to respect due process of law and excessive use of force against demonstrators, as described in, inter alia, reports submitted by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions,

"Stressing the importance of the mandate of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions to undertake a joint investigative mission to Nigeria, as requested by the Commission on Human Rights in its resolution 1996/79,

"Noting with alarm that persons in detention in Nigeria continue to face a flawed judicial process, and recalling in this regard the arbitrary execution of Ken Saro-Wiwa and his associates,

"1. Expresses its deep concern about violations of human rights and fundamental freedoms in Nigeria, and calls upon the Government of Nigeria urgently to ensure their observance, in particular by releasing all political prisoners, trade union leaders, human rights advocates and journalists who are at present detained, guaranteeing freedom of the press and ensuring respect for the rights of all individuals, including persons belonging to minorities;

"2. Calls upon the Government of Nigeria to ensure that trials are held strictly in conformity with the international human rights instruments to which Nigeria is a party;

"3. Also calls upon the Government of Nigeria to implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

"4. Welcomes the intention of the Secretary-General to pursue his mandate of good offices;

"5. Urges the Government of Nigeria to cooperate fully with the relevant mechanisms of the Commission on Human Rights;

"6. Regrets that the Government of Nigeria has not enabled the Special Rapporteur on the independence of judges and lawyers and the

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[6] A/51/538, annex.

Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country before presentation of their report to the General Assembly, and urges the Government of Nigeria to cooperate fully with them during the joint investigative mission to Nigeria mandated by the Commission on Human Rights;

"7. Calls upon the Government of Nigeria to abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights and other human rights instruments, including the African Charter of Human and Peoples' Rights, adopted by the 18th Conference of Heads of State and Government of the Organization of African Unity at Nairobi on 28 June 1981;

"8. Notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria;[7]

"9. Notes the declared commitment of the Government of Nigeria to civilian rule, and urges it to take immediate and concrete steps to restore democratic government;

"10. Decides to consider the situation of human rights in Nigeria at its fifty-second session under the item entitled 'Human rights questions'."

24. At its 56th meeting, on 29 November, the Committee had before it a revised draft resolution entitled "Situation of human rights in Nigeria" (A/C.3/51/L.53/Rev.1) submitted by the sponsors of draft resolution A/C.3/51/L.53. Subsequently, Albania, Liechtenstein, Lithuania and the former Yugoslav Republic of Macedonia, joined in sponsoring the draft resolution.

25. At the same meeting, statements were made by the representatives of Ireland (on behalf of the European Union), Nigeria, Iraq and the Gambia (see A/C.3/51/SR.56).

26. Also at the same meeting, the Committee adopted revised draft resolution A/C.3/51/L.53/Rev.1 by a recorded vote of 86 to 14, with 56 abstentions (see para. 71, draft resolution IV). The voting was as follows:

In favour: Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova,

[7] CCPR/C/79/Add.65.

Romania, Russian Federation, Saint Lucia, Samoa, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Against: China, Cuba, Democratic People's Republic of Korea, Gambia, Ghana, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Myanmar, Niger, Nigeria, Sierra Leone, Sudan, Syrian Arab Republic, Togo.

Abstaining: Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Guinea, Guinea-Bissau, India, Indonesia, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mali, Mauritania, Morocco, Mozambique, Namibia, Nepal, Pakistan, Papua New Guinea, Philippines, Qatar, San Marino, Saudi Arabia, Senegal, Singapore, Sri Lanka, Swaziland, Thailand, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam.

F. Draft resolution A/C.3/51/L.55

27. At the 50th meeting, on 25 November, the representative of Venezuela, on behalf of Andorra, Antigua and Barbuda, Argentina, Australia, Bahamas, Barbados, Belgium, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Congo, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, El Salvador, France, Georgia, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Israel, Italy, Jamaica, Japan, Mexico, Monaco, Nicaragua, Norway, Panama, Paraguay, Peru, the Republic of Moldova, Saint Lucia, Saint Vincent and the Grenadines, Spain, Suriname, Sweden, Trinidad and Tobago, the United States of America, Uruguay and Venezuela, introduced a draft resolution entitled "Human rights in Haiti" (A/C.3/51/L.55). Subsequently, Austria, Finland and Iceland joined in sponsoring the draft resolution.

28. At its 53rd meeting, on 26 November, the Committee adopted draft resolution A/C.3/51/L.55 without a vote (see para. 71, draft resolution V).

29. After the adoption of the draft resolution, the representative of Haiti made a statement (see A/C.3/51/SR.53).

G. Draft resolution A/C.3/51/L.59

30. At the 51st meeting, on 25 November, the representative of Albania, on behalf of Afghanistan, Albania, Andorra, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Djibouti, Iceland, Jordan, Kuwait, Kyrgyzstan, Malaysia, Morocco, Pakistan, Qatar, San Marino, Saudi Arabia, Senegal, Tunisia, Turkey, the United

Arab Emirates and the United States of America, introduced a draft resolution entitled "Situation of human rights in Kosovo" (A/C.3/51/L.59). Subsequently, Croatia and Liechtenstein joined in sponsoring the draft resolution.

31. In introducing the draft resolution, the representative of Albania orally revised it as follows:

(a) In the last preambular paragraph, the words "at its fifty-second session" after the words "Commission on Human Rights" were deleted and the words "the resolution adopted by" were inserted before the words "the Subcommission";

(b) In operative paragraph 2 (e), the words "Albanians in Kosovo" were replaced by the words "Albanians of Kosovo".

32. At the 54th meeting, on 27 November, statements were made by the representatives of Ghana, Greece, the Russian Federation, Albania and Peru (see A/C.3/51/SR.54).

33. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.59, as orally revised, by a recorded vote of 102 to 3, with 45 abstentions (see para. 71, draft resolution VI). The voting was as follows:[8]

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Canada, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Samoa, San Marino, Saudi Arabia, Senegal, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Against: India, Russian Federation, Saint Lucia.

Abstaining: Angola, Belarus, Bhutan, Botswana, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, China, Côte d'Ivoire, Egypt,

[8] The representative of Saint Lucia subsequently indicated that he had intended to abstain, and the representative of Djibouti indicated that had he been present he would have voted in favour.

Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Jamaica, Kenya, Malawi, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Papua New Guinea, Peru, Philippines, Republic of Moldova, Romania, Sierra Leone, Singapore, Slovakia, Sri Lanka, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

34. After the adoption of the draft resolution, statements were made by the representatives of the Russian Federation, Ireland (on behalf of the European Union), India, Venezuela, Brazil, China, Bulgaria, Egypt and the Philippines (see A/C.3/51/SR.54).

H. Draft resolution A/C.3/51/L.61

35. At the 50th meeting, on 25 November, the representative of the United States of America, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "The situation of human rights in the Sudan" (A/C.3/51/L.61). Subsequently, Slovakia joined in sponsoring the draft resolution.

36. At the 55th meeting, on 27 November, statements were made by the representatives of the Sudan, Iraq, Egypt and the United States of America (see A/C.3/51/SR.55).

37. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.61 by a recorded vote of 93 to 16, with 45 abstentions (see para. 71, draft resolution VII). The voting was as follows:[9]

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Singapore,

[9] The representative of Afghanistan subsequently indicated that he had intended to vote against, and the representative of Togo indicated that he had intended to abstain.

Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Against: China, Comoros, Cuba, India, Indonesia, Iran (Islamic Republic of), Jordan, Libyan Arab Jamahiriya, Myanmar, Nigeria, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Côte d'Ivoire, Democratic People's Republic of Korea, Egypt, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Nepal, Niger, Oman, Papua New Guinea, Philippines, Republic of Korea, Saint Lucia, Senegal, Sierra Leone, Sri Lanka, Swaziland, Thailand, Tunisia, United Arab Emirates.

I. Draft resolution A/C.3/51/L.63

38. At the 52nd meeting, on 26 November, the representative of the United States of America, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Marshall Islands, Monaco, the Netherlands, Norway, Portugal, the Republic of Moldova, Romania, San Marino, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uzbekistan, introduced a draft resolution entitled "Situation of human rights in Cuba" (A/C.3/51/L.63). Subsequently, El Salvador and Poland joined in sponsoring the draft resolution.

39. At the 54th meeting, on 27 November, statements were made by the representatives of Iraq and Cuba (see A/C.3/51/SR.54).

40. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.63 by a recorded vote of 59 to 26, with 71 abstentions (see para. 71, draft resolution VIII). The voting was as follows:[10]

In favour: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia,

[10] The representative of El Salvador subsequently indicated that he had intended to vote in favour.

Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Against: Angola, China, Congo, Cuba, Democratic People's Republic of Korea, El Salvador, Gambia, Ghana, India, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Myanmar, Namibia, Nigeria, Papua New Guinea, South Africa, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Abstaining: Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Dominican Republic, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kazakstan, Kenya, Kyrgyzstan, Lebanon, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Nepal, Niger, Oman, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, Venezuela.

41. After the adoption of the draft resolution, statements were made by the representatives of Egypt, the Gambia, Mexico, Malta and Costa Rica (see A/C.3/51/SR.54).

J. Draft resolution A/C.3/51/L.64 and Rev.1

42. At the 50th meeting, on 25 November, the representative of Canada, on behalf of Albania, Australia, Bulgaria, Canada, Chile, the Czech Republic, Hungary, Iceland, Liechtenstein, Malta, Monaco, New Zealand, Norway, Poland, Romania and Slovenia, introduced a draft resolution entitled "Situation of human rights in Rwanda" (A/C.3/51/L.64), which read:

"The General Assembly,

"Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable standards of human rights and humanitarian law,

"Recalling its resolutions 50/57 of 12 December 1995 and 50/200 of 22 December 1995, and taking note of Security Council resolutions 1050 (1996) of 8 March 1996, 1078 (1996) of 9 November 1996 and 1080 (1996) of 15 November 1996, and of Commission on Human Rights resolution 1996/76 of 23 April 1996,

"Deeply concerned by the reports of the Special Rapporteur of the Commission on Human Rights and of the Human Rights Field Operation in Rwanda that genocide and systematic and widespread violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

"Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice, and noting in this regard that legislation to govern the prosecution of those accused of genocide or crimes against humanity entered into force on 1 September 1996,

"Noting with concern the implications of the current humanitarian crisis in the region,

"Welcoming the fact that considerable numbers of refugees have recently returned to Rwanda, and affirming the readiness of the international community to assist the Government of Rwanda in reintegrating these returnees,

"Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda, and that a strengthened human rights component is indispensable to the peace process and post-conflict reconstruction of Rwanda,

"Welcoming contributions made by Member States and the European Union to the costs of the Human Rights Field Operation in Rwanda,

"Welcoming also the commitment of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, to eliminate impunity and to facilitate the process of the voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the agreements reached at Nairobi, Bujumbura and Cairo in 1995 and at Tunis and Arusha in 1996, and urging Governments in the region to work, in cooperation with the international community, to find durable solutions to the refugee crisis,

"Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in facilitating the return of refugees and the reintegration of returnees, in promoting reconciliation, in consolidating a climate of confidence and stability, and in promoting the rehabilitation and reconstruction of Rwanda,

"Reaffirming the link between the voluntary return of refugees to their homes and the normalization of the situation in Rwanda, and concerned

that acts of intimidation and violence directed against refugees, particularly by the former Rwandan authorities, have prevented refugees from returning to their homes,

"Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes region, including initiatives of the Organization of African Unity, States in the region and international organizations, and reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity, to address the problems of the region in a comprehensive manner,

"1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[11] and the report of the Special Rapporteur of the Commission on Human Rights;[12]

I

"2. Condemns in the strongest terms the acts of genocide, violations of international humanitarian law and all violations and abuses of human rights that have taken place in Rwanda, as well as cross-border violence in the region;

"3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them and to note the priorities identified by the Government of Rwanda in this area;

"4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations, and that the international community must exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice, in accordance with international principles of due process;

"5. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for Rwanda, taking into account the obligations contained in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the Tribunal to the greatest extent possible;

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[11] A/51/478.

[12] A/51/657.

II

"6. Encourages the further efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, and in this regard welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

"7. Invites all States, the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to continue and to intensify their contributions of financial and technical support to accelerate the efforts of the Government of Rwanda to, inter alia, restore the judicial system, promote reconciliation through the recently established Commission for National Reconciliation and safely reintegrate returning refugees in conditions of safety and dignity, including addressing competing claims to housing and property;

"8. Expresses grave concern at reports from the Human Rights Field Operation in Rwanda of killings of civilians during attacks on survivors and witnesses of genocide, apparently by militias and insurgents opposed to the Government of Rwanda, and at the reports of the Field Operation which state that civilians have been killed during military search operations by the Rwandese Patriotic Army;

"9. Encourages the Government of Rwanda to continue in its efforts to further strengthen the judicial system, including its independence, and urges in particular that the processing of the cases of those in detention be brought to a conclusion expeditiously;

"10. Notes with deep concern the reports of the Human Rights Field Operation in Rwanda which state that government officials without legal authority to arrest or imprison continue to do so in several parts of the country, that detainees are held for very long periods before trial and that acute overcrowding threatens the safety of those in detention;

"11. Encourages the further efforts of the Government of Rwanda to involve, without any discrimination, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

"12. Welcomes the efforts of the Government of Rwanda, neighbouring countries, the Office of the United Nations High Commissioner for Refugees and the international community to resolve the ongoing humanitarian crisis, and calls upon all parties to take all appropriate measures to ensure the return, resettlement and reintegration of former refugees in conditions of safety and dignity;

"13. Commends and encourages the efforts of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees as well as the United Nations Development Programme and other United Nations offices and organizations to coordinate their efforts to

ensure respect for and protection of the human rights of refugees during their return, resettlement and reintegration;

III

"14. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, the objectives of which were described in Assembly resolution 50/200, and requests the High Commissioner to continue to report regularly on the activities of the Field Operation and to continue to cooperate and share information with the Special Rapporteur, in order to assist him in fulfilling his mandate;

"15. Welcomes also the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Special Rapporteur and the Human Rights Field Operation in Rwanda and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country;

"16. Commends the contribution of human rights officers and the United Nations High Commissioner for Human Rights to the promotion and protection of human rights in Rwanda, recognizes that a strong human rights component is an integral and indispensable element of the United Nations response to the situation in Rwanda, and encourages all agencies and organizations of the United Nations system active in Rwanda to coordinate closely with the Field Operation;

"17. Recognizes the importance of the United Nations Human Rights Field Operation in Rwanda in contributing to reconciliation and the establishment of confidence in the country, and recommends the strengthening of its presence throughout Rwanda as well as the allocation of sufficient funds and logistical support for that purpose, taking into account the need to train local human rights observers and deploy a sufficient number of human rights field officers, and the need of the Government of Rwanda and Rwandan human rights organizations for programmes of technical assistance and advisory services;

"18. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights and contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems through the regular budget of the United Nations;

"19. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session, and to the General Assembly at its fifty-second session."

43. At its 55th meeting, on 27 November, the Committee had before it a revised draft resolution entitled "Situation of human rights in Rwanda" (A/C.3/51/L.64/Rev.1) submitted by the sponsors of draft resolution

A/C.3/51/L.64, subsequently joined by Andorra, Austria, Belgium, Benin, Cambodia, Denmark, Finland, France, Germany, Greece, Ireland, Israel, Italy, Luxembourg, the Netherlands, Portugal, the Republic of Moldova, San Marino, Slovakia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

44. At the same meeting, the Committee adopted revised draft resolution A/C.3/51/L.64/Rev.1 without a vote (see para. 71, draft resolution IX).

K. Draft resolution A/C.3/51/L.66

45. At the 52nd meeting, on 26 November, the representative of Pakistan, on behalf of Afghanistan, Albania, Algeria, Andorra, Australia, Bangladesh, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Chile, Costa Rica, the Czech Republic, Djibouti, Guyana, Iceland, Japan, Jordan, Liechtenstein, Malaysia, Malta, Mauritania, Morocco, Nepal, New Zealand, Oman, Pakistan, Panama, Qatar, the Republic of Korea, San Marino, Saudi Arabia, Senegal, Singapore, Slovenia, Solomon Islands, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, the United Arab Emirates, the United States of America, Uruguay and Yemen, introduced a draft resolution entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia" (A/C.3/51/L.66). Subsequently, Azerbaijan, Austria, Argentina, Belgium, Croatia, Canada, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, the Gambia, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Luxembourg, Monaco, Mozambique, Norway, Portugal, the Philippines, Spain, the Sudan, Sweden and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

46. In introducing the draft resolution, the representative of Pakistan orally revised it as follows:

(a) In the sixth preambular paragraph, the words "which has been used" were deleted before the words "in fulfilling the policy";

(b) In operative paragraph 10, the words "including by providing full access" were inserted at the end of the paragraph.

47. At the 55th meeting, on 27 November, the representative of Pakistan further orally revised the draft resolution as follows:

(a) In operative paragraph 12, the words "as appropriate" were deleted after the words "submit a report";

(b) Operative paragraph 13 was deleted.

48. At the same meeting, a statement was made by the representative of Ireland on behalf of the European Union (see A/C.3/51/SR.55).

49. Also at the same meeting, the Committee adopted draft resolution A/C.3/51/L.66, as orally revised, without a vote (see para. 71, draft resolution X).

L. Draft resolution A/C.3/51/L.68

50. At the 52nd meeting, on 26 November, the representative of the United States of America, on behalf of Albania, Andorra, Australia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, the Czech Republic, Hungary, Israel, Kuwait, Liechtenstein, Malaysia, Monaco, Morocco, New Zealand, Pakistan, San Marino, Saudi Arabia, Senegal, Slovenia, Tunisia, Turkey and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/C.3/51/L.68). Subsequently, Austria, Bangladesh, Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Iran (Islamic Republic of), Jordan, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

51. At the 55th meeting, on 27 November, the Secretary of the Committee read out corrections to the draft resolution as follows:

(a) In the second preambular paragraph, the words "the obligations they have" were replaced with the words "their obligations";

(b) In the third, ninth, tenth, sixteenth and eighteenth preambular paragraphs, and in operative paragraphs 1, 2, 4, 5, 16 and 24, the words "the Republic of" were deleted before the words "Bosnia and Herzegovina";

(c) In operative paragraph 9, the words "religious and linguistic" were replaced with the words "religious or linguistic".

52. At the same meeting, the representative of the United States of America further orally revised the draft resolution, as follows:

(a) In the thirteenth preambular paragraph, the words "the relevant successor States of the former Yugoslavia" were replaced with the words "all parties to the peace agreement";

(b) The fourteenth preambular paragraph, which read:

> "Encouraging the international community, acting through the United Nations, the World Bank, other international organizations and the European Union as well as bilaterally, to enhance significantly donor support aimed at promoting human rights, economic reconstruction, the voluntary repatriation of refugees and the return of internally displaced persons to their homes in safety and dignity, and the establishment of democratic structures throughout the region",

was deleted.

53. At the same meeting, statements were made by the representatives of Ireland (on behalf of the European Union), Croatia and the Russian Federation (see A/C.3/51/SR.55).

54. Also at the same meeting, the Committee decided to postpone action on the draft resolution.

55. At the 56th meeting, on 29 November, the representative of the United States of America further orally revised the draft resolution as follows:

(a) A new third preambular paragraph was inserted, reading:

"Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders";

(b) In operative paragraph 24, the words "the authorities of the Republika Srpska and the Governments of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro)" were replaced with the words "the Government of Bosnia and Herzegovina, in particular the authorities of the Republika Srpska, and the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro)".

56. At the same meeting, the representative of the Russian Federation proposed the insertion of a new third preambular paragraph, reading:

"Reaffirming the territorial integrity of the Republic of Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia, within the internationally recognized borders".

57. At the same meeting, statements were made by the representatives of the Netherlands, Pakistan, Egypt, Ireland (on behalf of the European Union) and Cuba (see A/C.3/51/SR.56). The meeting was suspended.

58. Upon the resumption of the meeting, statements were made by the representatives of the former Yugoslav Republic of Macedonia, Canada, Slovenia, Saudi Arabia, Croatia, Ireland (on behalf of the European Union), the United States of America, Senegal, Malaysia, Oman, Pakistan, the Netherlands, Bosnia and Herzegovina, Morocco, Spain, Chile, Italy and Costa Rica (see A/C.3/51/SR.56).

59. At the same meeting, the Committee rejected the amendment proposed by the Russian Federation by a recorded vote of 90 to 4, with 43 abstentions. The voting was as follows:

In favour: Azerbaijan, China, India, Russian Federation.

Against: Albania, Andorra, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Comoros, Costa Rica, Croatia, Czech Republic, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Estonia, Fiji, Finland, Germany, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland,

Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Marshall Islands, Mauritania, Micronesia (Federated States of), Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Papua New Guinea, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Abstaining: Afghanistan, Angola, Antigua and Barbuda, Bahamas, Barbados, Belize, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Cape Verde, Colombia, Cyprus, Ecuador, Ethiopia, France, Gabon, Gambia, Georgia, Greece, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malta, Mauritius, Mexico, Myanmar, Namibia, Nepal, Paraguay, Peru, Philippines, Saint Lucia, Sierra Leone, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

60. After the rejection of the amendment proposed by the Russian Federation, statements were made by the representatives of France, China, Brazil, Colombia and the Philippines (see A/C.3/51/SR.56).

61. At the same meeting, statements were made before the vote on the draft resolution by the representatives of Croatia, the Russian Federation and Greece (see A/C.3/51/SR.56).

62. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.68 as a whole, as orally revised, by a recorded vote of 131 to 1, with 20 abstentions (see para. 71, draft resolution XI). The voting was as follows:[13]

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakstan, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall

[13] The representatives of Ghana and Kyrgyzstan subsequently indicated that had they been present they would have abstained.

Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela.

Against: Russian Federation.

Abstaining: Angola, Belarus, Botswana, Burundi, Cameroon, China, Congo, Côte d'Ivoire, Ethiopia, Fiji, Gambia, India, Kenya, Mozambique, Namibia, Nigeria, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

63. After the adoption of the draft resolution, a statement was made by the representative of the former Yugoslav Republic of Macedonia (see A/C.3/51/SR.56).

M. Draft resolution A/C.3/51/L.69

64. At the 52nd meeting, on 26 November, the representative of Sweden, on behalf of Andorra, Argentina, Austria, Belgium, Bulgaria, Chile, the Czech Republic, France, Germany, Greece, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Monaco, Poland, Portugal, the Republic of Moldova, Romania, San Marino, South Africa, Spain, Sweden and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/51/L.69). Subsequently, Australia, Canada, Lithuania and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

65. At the same meeting, the Secretary of the Committee orally corrected operative paragraph 17 by replacing the words "in order to assist in its efforts for national reconciliation and in the implementation of the present resolution" with the words "in order to assist in the implementation of the present resolution and its efforts for national reconciliation".

66. At the 54th meeting, on 27 November, the representative of Sweden further orally revised the draft resolution as follows:

(a) In the ninth preambular paragraph, the words "recent aggression committed against" were replaced with the words "attack, on 9 November 1996, on";

(b) In operative paragraph 7, the words "to cooperate fully with the Secretary-General" were replaced with the words "to allow a visit by the Representative of the Secretary-General, as soon as possible".

67. At the same meeting, statements were made by the representatives of Ghana, Sweden and Myanmar (see A/C.3/51/SR.54).

68. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.69, as orally revised, without a vote (see para. 71, draft resolution XII).

69. After the adoption of the draft resolution, statements were made by the representatives of the Netherlands and Japan (see A/C.3/51/SR.54).

N. Draft decision

70. At its 56th meeting, 29 November, on the proposal of the Chairman, the Committee adopted, without a vote, a draft decision by which the General Assembly would take note of the report of the Secretary-General on the situation of human rights in southern Lebanon and western Bekaa (A/51/507) and the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Burundi (A/51/459) (see para. 72, draft decision II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

71. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Situation of human rights in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights[14] and the International Covenants on Human Rights,[15]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

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[14] Resolution 217 A (III).

[15] Resolution 2200 A (XXI), annex.

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949,[16]

Recalling its resolution 50/191 of 22 December 1995, in which it expressed its strong condemnation of the massive violations of human rights of the gravest nature in Iraq, and recalling Commission on Human Rights resolution 1996/72 of 23 April 1996,[17]

Bearing in mind Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

Recalling Security Council resolution 687 (1991) of 3 April 1991,

Recalling also Security Council resolution 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil up to the amount of one billion United States dollars every ninety days, on a renewable basis, to be used, inter alia, to purchase essential food and medical supplies for humanitarian purposes,

Deploring the refusal of the Government of Iraq to cooperate with the United Nations human rights mechanisms, in particular by not receiving a return visit of the Special Rapporteur to Iraq and not allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq[18] submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq and the observations, conclusions and recommendations contained therein, and noting his dismay that there has been no improvement in the situation of human rights in the country;

2. Expresses its strong condemnation of the massive and extremely grave violations of human rights for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror;

3. Expresses its condemnation with regard to the violations of human rights and international humanitarian law, in particular of:

(a) Summary and arbitrary executions, including political killings;

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[16] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[17] See E/1996/L.18; to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

[18] A/51/496 and Add.1.

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of decrees prescribing cruel and unusual punishment, namely mutilation, as a penalty for certain offences and the abuse and diversion of medical-care services for the purpose of such mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, information, expression, association and assembly, through fear of arrest, imprisonment and other sanctions, including the death penalty, as well as harsh limitations to freedom of movement;

4. Welcomes the memorandum of understanding reached in May 1996 between Iraq and the Secretary-General to implement Security Council resolution 986 (1995) to respond to the serious humanitarian situation in Iraq perpetuated by the non-compliance of the Government of Iraq with various Security Council resolutions;

5. Urges the Government of Iraq to cooperate with the United Nations with a view to ensuring the implementation of Security Council resolution 986 (1995), in accordance with the agreement reached in May 1996 that medicines, health supplies, foodstuffs and other humanitarian supplies, purchased with the proceeds of the sale of Iraqi petroleum and petroleum products, are distributed to the Iraqi population equitably and on a non-discriminatory basis;

6. Again expresses its special alarm at the policies of the Government of Iraq, which discriminate between regions and prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

7. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights,[15] and to the International Covenant on Civil and Political Rights,[15] to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and international humanitarian law, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

8. Demands that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

9. Also demands that the Government of Iraq abrogate any and all decrees that prescribe cruel and inhuman punishment or treatment and take every step

necessary to ensure that the practice of torture and cruel and unusual punishments and treatment no longer occur;

10. Urges the Government of Iraq to abrogate all laws and procedures, including Revolution Command Council decree No. 840 of 4 November 1986, that penalize the free expression of competing views and ideas and to ensure that the genuine will of the people shall be the basis of authority in the State;

11. Also urges the Government of Iraq to improve its cooperation within the framework of the Tripartite Commission and its technical subcommittee with a view to establishing the whereabouts or resolving the fate of the remaining several hundred missing persons and prisoners of war, Kuwaitis and third-country nationals victims of the illegal Iraqi occupation of Kuwait;

12. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

13. Decides to continue its consideration of the situation of human rights in Iraq during its fifty-second session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION II

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights[19] and the International Covenants on Human Rights,[20]

Recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[21] reaffirmed that human rights and fundamental freedoms were the birthright of all human beings and that their protection and promotion was the first responsibility of Governments,

Reaffirming that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments in this field,

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[19] Resolution 217 A (III).

[20] Resolution 2200 A (XXI), annex.

[21] A/CONF.157/24 (Part I), chap. III.

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling the appointment by the Chairman of the Commission on Human Rights of Mr. Maurice Danby Copithorne as Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran,

Recalling its previous resolutions expressing concern at the violations of human rights by the Government of the Islamic Republic of Iran, including the most recent, resolution 50/188 of 22 December 1995, and the resolutions of the Commission on Human Rights, including the most recent, resolution 1996/84 of 24 April 1996,[22] and of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1996/7 of 20 August 1996,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Rapporteur of the Commission on Human Rights on religious intolerance and the Special Rapporteur of the Commission on Human Rights on freedom of opinion and expression, who have been able to visit the Islamic Republic of Iran, and bearing in mind the reports of those Special Rapporteurs on their visits,[23]

Taking note of the interim report of the Special Representative of 11 October 1996,[24] and the addendum to it and noting that he will present a further report to the Commission on Human Rights,

Welcoming the requests by the Government of the Islamic Republic of Iran for technical assistance and advisory services from the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, as well as from the Crime Prevention and Criminal Justice Branch, and taking note with interest of the observation by the Special Representative in this regard,

Taking note with interest of certain recent developments in the Islamic Republic of Iran which, in the view of the Special Representative, are indicators of potential improvement of the status of women in that country,

Considering that continued international scrutiny of human rights and fundamental freedoms in the Islamic Republic of Iran is warranted and that the subject should remain on the agenda of the General Assembly,

1. Expresses its concern at the continuing violations of human rights in the Islamic Republic of Iran, in particular the high number of executions in the absence of internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, the failure to meet international

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[22] See E/1996/L.18; to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

[23] E/CN.4/1996/95/Add.2 and Corr.1 and E/CN.4/1996/39/Add.2.

[24] A/51/479.

standards with regard to the administration of justice and the absence of due process of law, violations of the right to peaceful assembly and restrictions on the freedom of expression, thought, opinion and the press;

2. Also expresses its concern at the grave breaches of human rights of the Baha'is in the Islamic Republic of Iran and situations of discrimination against the members of this religious community, as well as at the discriminatory treatment of minorities by reason of their religious beliefs, including lack of adequate protection for the Christian minorities, some members of which have been the target of intimidation and assassination;

3. Further expresses its concern at the widespread discrimination against women in the Islamic Republic of Iran and the lack of full and equal enjoyment by women of human rights, and calls upon the Government of the Islamic Republic of Iran to take effective measures to eliminate all discrimination against women;

4. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights,[20] to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

5. Calls upon the Government of the Islamic Republic of Iran to implement fully the conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians;

6. Expresses its grave concern at indications, according to the information received by the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, of a significant toughening of criminal legislation and its application in the Islamic Republic of Iran and in particular at the incidence of capital punishment imposed for apostasy and non-violent crimes, in violation of the relevant provisions of the International Covenant on Civil and Political Rights[20] and United Nations safeguards;

7. Expresses its concern at the harassment and persecution of persons, including writers and members of the press, seeking to exercise their freedom of expression;

8. Calls upon the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran, notes in this regard that efforts aimed at obtaining satisfactory written assurances from the Government of the Islamic Republic of Iran that it does not

support these threats have so far been unsuccessful, and calls upon the Government of the Islamic Republic of Iran to provide such assurances;

10. Deplores the politically motivated continuing violence against Iranians outside the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to refrain from activities against members of the Iranian opposition living abroad and the harassment of their relatives within the Islamic Republic of Iran, and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

11. Welcomes the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, who has been able to conduct a preliminary visit to the Islamic Republic of Iran;

12. Expresses its hope that the Special Representative will again be allowed to visit the Islamic Republic of Iran in the discharge of his mandate;

13. Requests the Secretary-General to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

14. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its fifty-second session under the item entitled "Human rights questions", on the basis of the report of the Special Representative and in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION III

Situation of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[25] the International Covenants on Human Rights,[26] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[27] and the Additional Protocols thereto, of 1977,[28]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

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[25] Resolution 217 A (III).

[26] Resolution 2200 A (XXI), annex.

[27] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[28] Ibid., vol. 1125, Nos. 17512 and 17513.

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[29] the International Covenant on Civil and Political Rights,[26] the International Covenant on Economic, Social and Cultural Rights,[26] the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment[30] and the Convention on the Rights of the Child,[31] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[32]

Recalling all its relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with the Afghan parties,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[33] and of the conclusions and recommendations contained therein;

2. Expresses concern at the numerous and consistent reports of human rights abuses and violations of humanitarian law and human rights, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, and freedom of opinion, expression and association;

3. Expresses its deep concern at the intensification of armed hostilities in Afghanistan, and calls on all parties involved immediately to cease such hostilities and to engage in a political dialogue aimed at achieving national reconciliation;

4. Calls on all the Afghan parties fully to respect and act in accordance with all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, and in particular the right to life, liberty and security of person, and freedom of opinion and expression;

5. Urges all the Afghan parties fully to respect accepted humanitarian rules and act in accordance with all human rights and fundamental freedoms, including the rights of women and children, and calls upon the Afghan authorities to take measures to ensure the effective participation of women in social, political and cultural life throughout the country;

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[29] Resolution 260 A (III).

[30] Resolution 39/46, annex.

[31] Resolution 44/25, annex.

[32] Resolution 38/180, annex.

[33] A/51/481.

6. Deeply deplores the grave deterioration of the human rights of women noted by the Special Rapporteur in his report, and urges the Afghan authorities immediately to restore respect for all human rights of women, including the right of women to work and the right of girls to education without discrimination, and calls upon Afghanistan to ratify the Convention on the Elimination of Discrimination against Women, to which it is a signatory;

7. Urges all the Afghan parties to work closely with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the eventual establishment of a democratic Government elected through free and fair elections based on the right to self-determination of the peoples of Afghanistan;

8. Demands that all Afghan parties fulfil their obligations and commitments regarding the safety of United Nations personnel and other international personnel as well as their premises in Afghanistan and cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies;

9. Strongly urges all parties to the conflict to take all necessary measures to ensure the safety of all personnel of humanitarian organizations and representatives of the media in Afghanistan;

10. Endorses the Special Rapporteur's condemnation of the abduction from United Nations premises of the former President of Afghanistan, Mr. Najibullah, and of his brother, and their subsequent summary execution;

11. Urges the Afghan authorities to provide efficient and effective remedies to the victims of grave violations of human rights and of accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

12. Invites the United Nations Educational, Scientific and Cultural Organization to entrust the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation with the mandate, upon the invitation and with the cooperation of the Afghan authorities, of examining ways and means to restore the Kabul Museum, including through the tracing of the country's stolen articles, to propose measures aimed at preventing the illicit import, export and transfer of ownership of artefacts belonging to the Kabul Museum and to report thereon to the Executive Board of the United Nations Educational, Scientific and Cultural Organization;

13. Appeals to Member States and to the international community to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries, pending, and with a view to encouraging, their voluntary repatriation;

14. Urges the authorities in Afghanistan to continue to extend their cooperation to the Commission on Human Rights and its Special Rapporteur;

15. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

16. Decides to keep the situation of human rights in Afghanistan under consideration at its fifty-second session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION IV

Situation of human rights in Nigeria

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[34] the International Covenants on Human Rights,[35] the Vienna Declaration and Programme of Action[36] and other human rights instruments,

Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments in this field,

Recalling that Nigeria is a party to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,[37]

Recalling its resolution 50/199 of 22 December 1995 and Commission on Human Rights resolution 1996/79 of 23 April 1996 on the situation of human rights in Nigeria,[38] including the absence of representative Government in Nigeria contrary to the popular support for democratic government as evidenced in the 1995 elections,

Also recalling the announcement made by the Government of Nigeria on 1 October 1995, in which it affirmed the principle of multi-party democracy and the principle of power-sharing and its intention to lift the ban on political activities and the press, to devolve power to the local levels of government and to subordinate the military to civilian authority,

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[34] Resolution 217 A (III).

[35] Resolution 2200 A (XXI), annex.

[36] A/CONF.157/24 (Part I), chap. III.

[37] Resolution 2106 A (XX), annex.

[38] See E/1996/L.18; to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

Welcoming the report of the mission sent to Nigeria by the Secretary-General pursuant to General Assembly resolution 50/199, and noting the interim response of the Government of Nigeria to that mission,

Welcoming also the resumption of dialogue between Nigeria and the Commonwealth,

Noting the action taken to date to move towards a system of multi-party democracy, including the registration of five political parties and the intention to hold elections, on a party basis, to the local councils in December 1996, as well as the release of a number of detainees and the repeal or amendment of measures which were seen as obstacles to human rights,

Regretting, however, that a number of political associations have been instructed to disband, on the grounds that they did not meet the requirements stipulated in the transition process,

Taking note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers and the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions,[39]

Noting with deep concern reports of grave violations of human rights, including extrajudicial, summary or arbitrary executions and arbitrary detention, and failure to respect due process of law, as described in, inter alia, reports submitted by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as in the concluding observations of the Human Rights Committee,

Stressing the importance of the mandate of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions to undertake a joint investigative mission to Nigeria, as requested by the Commission on Human Rights in its resolution 1996/79,

Concerned that, despite a number of legislative and procedural measures taken to reform the system of administration of justice, persons in detention in Nigeria continue to face a flawed judicial process, and recalling in this regard the arbitrary execution of Ken Saro-Wiwa and his associates,

1. Expresses its deep concern about violations of human rights and fundamental freedoms in Nigeria, and calls upon the Government of Nigeria urgently to ensure their observance, including by releasing all political prisoners, trade union leaders, human rights advocates and journalists who are at present detained, guaranteeing freedom of the press and ensuring respect for the rights of all individuals, including persons belonging to minorities;

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[39] A/51/538, annex.

2. Calls upon the Government of Nigeria to ensure that trials are held strictly in conformity with the international human rights instruments to which Nigeria is a party;

3. Also calls upon the Government of Nigeria to abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights and other human rights instruments, including the African Charter of Human and Peoples' Rights and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria;[40]

4. Further calls upon the Government of Nigeria to implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

5. Regrets that the Government of Nigeria has not enabled the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers and the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions to visit the country before presentation of their report to the General Assembly, and urges the Government of Nigeria to cooperate fully with them during the joint investigative mission to Nigeria mandated by the Commission on Human Rights, and with the relevant mechanisms of the Commission on Human Rights;

6. Notes the declared commitment of the Government of Nigeria to civilian rule and urges it to take further concrete steps to restore democratic government;

7. Welcomes the intention of the Secretary-General to pursue his good offices and requests the Secretary-General in the discharge of his good offices mandate and in cooperation with the Commonwealth to continue to undertake further discussion with the Government of Nigeria and to report on progress in the implementation of the present resolution and on the possibilities for the international community to offer practical assistance to Nigeria to achieve the restoration of democratic rule and the full enjoyment of human rights in Nigeria;

8. Decides to consider this question at its fifty-second session under the item entitled "Human rights questions".

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[40] CCPR/C/79/Add.65.

DRAFT RESOLUTION V

Human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[41] and the International Covenants on Human Rights,[42]

Recalling its resolution 50/196 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/58 of 19 April 1996,[43]

Taking into account the report of the independent expert of the Commission on Human Rights, Mr. Adama Dieng,[44] appointed to assist the Government of Haiti in the area of human rights, to consider the development of the human rights situation in that country and to verify compliance by it with its obligations in that field, and the recommendations contained in that report,

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti and the National Commission for Truth and Justice in the establishment of a climate of freedom and tolerance propitious to the respect for human rights and the restoration and spread of democracy in Haiti,

Welcoming the renewal by the General Assembly in its resolution 50/86 C of 29 August 1996 of the mandate of the International Civilian Mission to Haiti,

Welcoming also the improvements in the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

Expressing concern at the increase in common crime, and noting the continuing need for technical training of the Haitian National Police and for strengthening of the judicial system,

Expressing its satisfaction with the invitation to visit the country extended by the Government of Haiti to the Special Rapporteur of the Commission on Human Rights on violence against women,

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[41] Resolution 217 A (III).

[42] Resolution 2200 A (XXI), annex.

[43] See E/1996/L.18; to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

[44] E/CN.4/1996/94.

Considering the request of the Government of Haiti for technical assistance and advisory services in the field of human rights addressed to the Centre for Human Rights of the Secretariat,

1. Expresses its thanks to the Secretary-General and his Special Representative for Haiti for their efforts in favour of the consolidation of democratic institutions in Haiti and the respect of human rights in that country;

2. Welcomes the satisfactory evolution of the political process in Haiti and the holding of presidential elections on 17 December 1995, which permitted the first transfer of power between two democratically elected Presidents;

3. Takes note of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti[44] and the conclusions and recommendations contained therein;

4. Expresses its concern about recent and other persistent security challenges to Haitian society caused, inter alia, by difficult economic and social conditions, which threaten progress in the field of human rights and democratic stability in the country;

5. Welcomes the report of the National Commission for Truth and Justice, as well as reports by the International Civilian Mission in Haiti on Haitian justice and on respect for human rights by the Haitian National Police, and urges the Government of Haiti to undertake appropriate follow-up action on the recommendations contained in these reports, with the support of the international community;

6. Supports the Government of Haiti's ongoing process of reform of the judicial system, including instructions in international human rights law and human rights;

7. Requests the international community, including the United Nations Development Programme, to continue providing funds for the reform of the judicial system and those activities which contribute to the social and economic development of Haitian society;

8. Encourages the international community to contribute generously to the Trust Fund for the Haitian National Police, which will be needed to respond to the request of the Government of Haiti for a technical adviser programme;

9. Welcomes the establishment of the programme of technical cooperation prepared by the Centre for Human Rights of the Secretariat aimed at strengthening institutional capacity in the field of human rights, in particular in the areas of legislative reform, training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of this programme to the General Assembly at its fifty-second session;

10. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti;

11. Invites the Special Rapporteur on violence against women to consider favourably the invitation extended to him by the Government of Haiti to visit the country, with the support of the United Nations Population Fund;

12. Decides to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-second session.

DRAFT RESOLUTION VI

Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[45] the International Covenants on Human Rights,[46] the International Convention on the Elimination of All Forms of Racial Discrimination,[47] the Convention on the Prevention and Punishment of the Crime of Genocide[48] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[49]

Taking note with concern of the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia which describe the continuing grave human rights situation in Kosovo, including in particular police brutality, killings resulting from such violence, arbitrary searches and arrests, torture and ill-treatment of detainees, the deliberate maltreatment, persecution and imprisonment of political and human rights activists, the mass dismissals of civil servants, discrimination against pupils and teachers, acts which are mainly perpetrated against ethnic Albanians,

Welcoming, as a first step, the recent signature of a memorandum of understanding concerning the educational system in the Albanian language in Kosovo and calling for the proper implementation of that memorandum,

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[45] Resolution 217 A (III).

[46] Resolution 2200 A (XXI), annex.

[47] Resolution 2106 A (XX), annex.

[48] Resolution 260 A (III).

[49] Resolution 39/46, annex.

Appreciating efforts to monitor the situation in Kosovo, but at the same time expressing regret at the fact that the establishment of an adequate international monitoring presence in Kosovo has not yet been achieved,

Recalling its resolution 50/190 of 22 December 1995 and other relevant resolutions, and taking note of the resolutions on the matter adopted by the Commission on Human Rights and the resolution adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities, at its forty-eighth session,

1. Condemns all violations of human rights in Kosovo, in particular the repression of the ethnic Albanian population and discrimination against them, as well as all acts of violence in Kosovo;

2. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(b) Release all political prisoners and cease the persecution of political leaders and members of local human rights organizations;

(c) Allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(d) Allow the reopening of educational, cultural and scientific institutions of the ethnic Albanians;

(e) Pursue constructive dialogue with the representatives of ethnic Albanians of Kosovo;

3. Welcomes the visits to Kosovo of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia and her relevant reports and calls upon her to continue to monitor closely the human rights situation in Kosovo and to continue to pay due attention to this matter in her reporting;

4. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993) of 9 August 1993;

5. Welcomes the report of the Secretary-General submitted pursuant to resolution 50/190,[50] and requests him to continue his efforts to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly at its fifty-second session;

6. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, especially of the most vulnerable groups affected by the conflict, and to assist in the voluntary return of displaced persons to their homes in conditions of safety and dignity;

7. Emphasizes the importance of laws and regulations concerning citizenship applied by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) being in accordance with the standards and principles of non-discrimination, equal protection before the law, and the reduction and avoidance of statelessness, as set out in the relevant international human rights instruments;

8. Decides to continue examination of the human rights situation in Kosovo at its fifty-second session under the item entitled "Human rights questions".

DRAFT RESOLUTION VII

The situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[51] the International Covenants on Human Rights,[52] the International Convention on the Elimination of All Forms of Racial Discrimination,[53] and the Convention on the Rights of the Child,[54]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

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[50] A/51/556.

[51] Resolution 217 A (III).

[52] Resolution 2200 A (XXI), annex.

[53] Resolution 2106 A (XX), annex.

[54] Resolution 44/25, annex.

Recalling the obligation of all parties to respect international humanitarian law,

Recalling also its resolution 50/197 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/73 of 23 April 1996,[55]

Noting with deep concern reports of grave human rights violations in the Sudan, in particular summary executions, detentions without trial, forced displacement of persons and torture, as described in reports submitted to the Commission on Human Rights by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the question of religious intolerance,

Welcoming the fourth and latest interim report of the Special Rapporteur on the situation of human rights in the Sudan,[56] and noting with concern the continuing violations of human rights in the Sudan,

Concerned about continuing deliberate and indiscriminate aerial bombardments by the Government of the Sudan of civilian targets in southern Sudan, in clear violation of international humanitarian law, which have added to the suffering of the civilian population and resulted in casualties to civilians, including relief workers involved in Operation Lifeline Sudan and international private voluntary agencies,

Welcoming the lifting in July 1996 of restrictions on aircraft employed to deliver humanitarian assistance, yet deeply concerned by the continued denial of flight clearances to affected areas, which exacerbates the threat to human life,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of ethnic minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and protection,

Noting that the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteur on religious intolerance carried out missions to the Sudan in 1996, as requested by the General Assembly in its resolution 50/197,

Deeply concerned by the conclusion of the Special Rapporteur, also stated in his previous reports, that grave and widespread violations of human rights by government agents, as well as abuses by members of parties to the conflict in southern Sudan other than the Government of the Sudan, continue to take place in the zones controlled by them, including extrajudicial killings, enforced or involuntary disappearances, abductions, slavery, systematic torture and

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[55] See E/1996/L.18; to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

[56] A/51/490, annex.

widespread arbitrary arrests of suspected political opponents, as well as restrictions on religious minorities,[57]

Welcoming the establishment by the Government of the Sudan of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery,

Alarmed by the continuing failure of the Sudanese authorities to investigate human rights violations and abuses brought to their attention over the past years,

Gravely alarmed that since February 1994 there have been increasing reports from a wide variety of sources indicating that atrocities by the Government of the Sudan against the local population in the area of the Nuba Mountains have intensified,

Welcoming the commitment of the Government of the Sudan to facilitate the improved flow of information, as well as its stated strong commitment to cooperate with the competent United Nations bodies and agencies, including the Special Rapporteur,

Concerned by reports of religious persecution in areas of the conflict zone controlled by the Government of the Sudan and of discrimination based upon religion in the provision of shelter and relief,

Deeply concerned by the Special Rapporteur's conclusion that the abduction of persons, mainly women and children, belonging to ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassena Hills area, and their subjection to the slave trade, servitude and forced labour are taking place with the knowledge of the Government of the Sudan,

Welcoming the dialogue and contacts between non-governmental organizations and the religious minorities in the Sudan aimed at improving relations between the Government of the Sudan and the religious minority groups,

Noting that the Government of the Sudan has taken steps towards a larger degree of cooperation with some international organizations, with special attention to the rights of Sudanese children, and hoping that these efforts will be enhanced in the future,

Deeply concerned about the problem of unaccompanied minors and the use of children as soldiers by all parties despite repeated calls from the international community to put an end to this practice, as described in the report of the Special Rapporteur,[58]

1. Expresses deep concern at the serious, widespread and continuing human rights violations in the Sudan, including extrajudicial killings and summary

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[57] Ibid., sect. III.A.

[58] Ibid., para. 34.

executions; detentions without due process; violations of the rights of women and children; forced displacement of persons; enforced or involuntary disappearances; torture and other forms of cruel and unusual punishment; slavery, practices similar to slavery and forced labour; denial of the freedoms of expression, association and peaceful assembly; and discrimination based on religion;

2. Calls upon the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in particular the International Covenants on Human Rights,[52] the International Convention on the Elimination of All Forms of Racial Discrimination,[53] the Convention on the Rights of the Child,[54] the Slavery Convention, as amended,[59] and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery,[60] to implement those instruments to which it is a party and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

3. Urges the Government of the Sudan to ensure that all cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention are investigated and all appropriate measures are implemented to put an immediate end to these practices;

4. Expresses its hope that the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery will contribute effectively to improving the human rights situation in the Sudan;

5. Welcomes the statement by the Government of the Sudan, as reported by the Special Rapporteur,[61] in which it pledged its logistical support to national, regional and international organizations to join the investigations of alleged cases of involuntary disappearance and slavery, and, accordingly, calls upon the Government to grant international human rights and humanitarian organizations and independent observers free and unimpeded access to all areas where these violations have been reported;

6. Welcomes the interim report of the Special Rapporteur to the General Assembly, and his recent report to the Commission on Human Rights,[62] and expresses its continuing support for his work;

7. Continues to urge the placement of human rights monitors in such locations as will facilitate improved information flow and assessment and independent verification of reporting, with particular attention to violations

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[59] United Nations, Treaty Series, vol. 212, No. 2861.

[60] Ibid., vol. 266, No. 3822.

[61] A/51/490, annex, para. 43 (b).

[62] E/CN.4/1996/62.

and abuses of human rights in areas of armed conflict, as recommended by the Special Rapporteur;[63]

8. Urges the Government of the Sudan to cease immediately all aerial attacks on civilian targets and other attacks that are in violation of international humanitarian law;

9. Calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[64] and the Additional Protocols thereto, of 1977,[65] to halt the use of weapons against the civilian population and to protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions, and deplores the consequences for innocent civilians of the use of landmines by government and rebel forces alike;

10. Again calls upon the Government of the Sudan and all paries to allow Operation Lifeline Sudan, international agencies, humanitarian organizations and donor Governments unimpeded access to civilian populations to deliver humanitarian assistance to all persons in need;

11. Welcomes the reported release of female detainees with children and any other activities designed to assist such persons, and encourages the Government of the Sudan to work actively for the eradication of practices that are directed against and in particular violate the human rights of women and girls, in full cooperation with the international organizations active in the Sudan and focusing on the question, including the office of the United Nations Children's Fund in Khartoum;

12. Urges the Government of the Sudan to take all steps necessary to improve the situation of the most vulnerable groups of the society, the women, children and ethnic and religious minorities living in the conflict zones, as recommended by the Special Rapporteur;[66]

13. Urges all parties to the Sudan's civil war to seek a negotiated settlement to the conflict immediately and encourages the parties to cooperate with efforts by the Inter-Governmental Authority on Development to assist the warring parties to put an end to the conflict and hasten a return of Sudanese refugees residing in neighbouring countries;

14. Reiterates its call upon the Government of the Sudan to ensure a full, thorough and prompt investigation by an independent judicial commission of

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[63] A/51/490, annex, para. 52 (c).

[64] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[65] Ibid., vol. 1125, Nos. 17512 and 17513.

[66] A/51/490, annex, para. 52 (d).

inquiry into the killings of Sudanese nationals employed by foreign relief organizations and foreign Governments;

15. Urges the Government of the Sudan to cooperate fully with all United Nations agencies, international humanitarian organizations, human rights organizations and independent observers in order to improve the situation of human rights in the Sudan, as recommended by the Special Rapporteur;[67]

16. Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur for an additional year;

17. Requests the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance in the discharge of his mandate;

18. Welcomes the approaches to the Special Rapporteurs of the Commission on Human Rights by the Government of the Sudan, and again calls upon the Government of the Sudan to extend its full and unreserved cooperation to the Special Rapporteur and to thematic Special Rapporteurs and to assist them in the ongoing discharge of their mandates and, to this end, to take all necessary steps to ensure that the Special Rapporteurs have free and unlimited access to the whole territory of the Sudan and to any person in the Sudan with whom they wish to meet, with no threats or reprisals;

19. Recommends the continued monitoring of the serious human rights situation in the Sudan and of the regional efforts to end the hostilities and human suffering in the south, and invites the Commission on Human Rights, at its fifty-third session, to give urgent attention to the situation of human rights in the Sudan;

20. Decides to continue its consideration of this question at its fifty-second session.

DRAFT RESOLUTION VIII

Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights[68] and other applicable human rights instruments,

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[67] Ibid., para. 52 (e).

[68] Resolution 217 A (III).

Noting that Cuba is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[69]

Reaffirming also that all States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Taking particular note of Commission on Human Rights resolution 1996/69 of 23 April 1996,[70] in which the Commission recognized with deep appreciation the past efforts of the Special Rapporteur concerning the situation of human rights in Cuba and extended his mandate for one year,

Expressing concern about continuing serious violations of human rights in Cuba, the majority of which are violations of civil and political rights, as outlined in the interim report on the situation of human rights in Cuba submitted to the General Assembly by the Special Rapporteur,[71]

Deploring, in this regard, the arbitrary arrest, detention and harassment of Cuban citizens, particularly of members of the Concilio Cubano, a group coordinating the activities of dozens of human rights groups, seeking to exercise their human rights and fundamental freedoms,

Recalling the continued refusal of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolution 1996/69, including its repeated opposition to a visit to Cuba by the Special Rapporteur,

1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba;

2. Expresses its full support for the work of the Special Rapporteur;

3. Calls once more upon the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

4. Regrets profoundly the numerous violations of human rights and fundamental freedoms in Cuba, as described in the report of the Special Rapporteur to the Commission on Human Rights[72] and in his interim report;[71]

5. Urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing

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[69] Resolution 39/76, annex.

[70] See E/1996/L.18; to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

[71] A/51/460, annex.

[72] E/CN.4/1996/60.

political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur, who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

7. Calls upon the Government of Cuba to carry out the recommendations contained in the interim report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms in Cuba into conformity with international standards and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to its prisons to non-governmental humanitarian organizations and international humanitarian agencies;

8. Decides to continue its consideration of this question at its fifty-second session.

DRAFT RESOLUTION IX

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[73] the International Covenants on Human Rights,[74] the Convention on the Prevention and Punishment of the Crime of Genocide[75] and other applicable standards of human rights and humanitarian law,

Recalling its resolutions 50/57 of 12 December 1995 and 50/200 of 22 December 1995, and taking note of Security Council resolutions 1050 (1996) of 8 March 1996, 1078 (1996) of 9 November 1996 and 1080 (1996) of 15 November 1996, and of Commission on Human Rights resolution 1996/76 of 23 April 1996,[76]

Deeply concerned by the reports of the Special Rapporteur of the Commission on Human Rights and of the Human Rights Field Operation in Rwanda that genocide

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[73] Resolution 217 A (III).

[74] Resolution 2200 A (XXII), annex.

[75] United Nations, Treaty Series, vol. 212, No. I-2861.

[76] See E/1996/L.18; to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

and systematic and widespread violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice, and noting in this regard that legislation to govern the prosecution of those accused of genocide or crimes against humanity entered into force on 1 September 1996,

Noting with concern the implications of the current humanitarian crisis in the region,

Welcoming the fact that considerable numbers of refugees have recently returned to Rwanda, and affirming the readiness of the international community to assist the Government of Rwanda in reintegrating these returnees,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda, and that a strengthened human rights component is indispensable to the peace process and post-conflict reconstruction of Rwanda,

Welcoming contributions made by Member States and the European Union to the costs of the Human Rights Field Operation in Rwanda,

Welcoming also the commitment of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, to eliminate impunity and to facilitate the process of the voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the agreements reached at Nairobi, Bujumbura and Cairo in 1995 and at Tunis and Arusha in 1996, and urging Governments in the region to work, in cooperation with the international community, to find durable solutions to the refugee crisis,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in facilitating the voluntary and orderly return of refugees and the reintegration of returnees, in promoting reconciliation, in consolidating a climate of confidence and stability, and in promoting the rehabilitation and reconstruction of Rwanda,

Reaffirming the link between the voluntary return of refugees to their homes and the normalization of the situation in Rwanda, and concerned that acts of intimidation and violence directed against refugees, particularly by the former Rwandan authorities, have prevented refugees from returning to their homes,

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes region, including initiatives of the Organization of African Unity, States in the region and international organizations, and reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region, under the auspices

of the United Nations and the Organization of African Unity, to address the problems of the region in a comprehensive manner,

1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[77] and the report of the Special Rapporteur of the Commission on Human Rights;[78]

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2. Condemns in the strongest terms the acts of genocide, violations of international humanitarian law and all violations and abuses of human rights that have taken place in Rwanda, as well as cross-border violence in the region;

3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them and to note the priorities identified by the Government of Rwanda in this area;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations, and that the international community must exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice, in accordance with international principles of due process;

5. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994, taking into account the obligations contained in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the Tribunal to the greatest extent possible;

II

6. Encourages the further efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, and in this regard welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

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[77] A/51/478.

[78] A/51/657.

7. Invites all States, the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to continue and to intensify their contributions of financial and technical support to accelerate the efforts of the Government of Rwanda to, inter alia, restore the judicial system, promote reconciliation through the recently established Commission for National Reconciliation and safely reintegrate returning refugees in conditions of safety and dignity, including addressing competing claims to housing and property;

8. Notes with concern the human rights situation in Rwanda as described in the report of the Special Rapporteur, and urges the Government of Rwanda to take all necessary measures in response to the recommendations therein;

9. Expresses grave concern at reports from the Human Rights Field Operation in Rwanda of killings of civilians during attacks on survivors and witnesses of genocide, apparently by militias and insurgents opposed to the Government of Rwanda, and at the reports of the Field Operation which state that civilians have been killed during military search operations by the Rwandese Patriotic Army;

10. Encourages the Government of Rwanda to continue in its efforts to further strengthen the judicial system, including its independence, and urges in particular that the processing of the cases of those in detention be brought to a conclusion expeditiously;

11. Notes with deep concern the reports of the Human Rights Field Operation in Rwanda which state that government officials without legal authority to arrest or imprison continue to do so in several parts of the country, that detainees are held for very long periods before trial and that acute overcrowding threatens the safety of those in detention;

12. Invites the Government of Rwanda to continue efforts to involve, without any discrimination, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

13. Emphasizes the importance it attaches to the safety and security of all people in Rwanda, including United Nations personnel and other international staff serving in the country;

14. Welcomes the efforts of the Government of Rwanda, neighbouring countries, the Office of the United Nations High Commissioner for Refugees and the international community to resolve the ongoing humanitarian crisis, and calls upon all parties to take all appropriate measures to ensure the return, resettlement and reintegration of former refugees in conditions of safety and dignity;

15. Commends and encourages the efforts of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees as well as the United Nations Development Programme and other United Nations offices and organizations to coordinate their efforts to ensure respect

for and protection of the human rights of refugees during their return, resettlement and reintegration;

III

16. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, the objectives of which were described in Assembly resolution 50/200, and requests the High Commissioner to continue to report regularly on the activities of the Field Operation and to continue to cooperate and share information with the Special Rapporteur, in order to assist him in fulfilling his mandate;

17. Welcomes also the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Special Rapporteur and the Human Rights Field Operation in Rwanda and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country and, with a view to further strengthening a climate of mutual confidence and enabling authorities in Rwanda to take immediate action on the findings of the Field Operation, encourages dialogue on human rights issues between the Field Operation and the appropriate authorities at the level of commune, prefecture, and relevant government ministries;

18. Commends the contribution of human rights officers and the United Nations High Commissioner for Human Rights to the promotion and protection of human rights in Rwanda, recognizes that a strong human rights component is an integral and indispensable element of the United Nations response to the situation in Rwanda, and encourages all agencies and organizations of the United Nations system active in Rwanda to coordinate closely with the Field Operation;

19. Recognizes the importance of the United Nations Human Rights Field Operation in Rwanda in contributing to reconciliation and the establishment of confidence in the country, and recommends the strengthening of its presence throughout Rwanda as well as the allocation of sufficient funds and logistical support for that purpose, taking into account the need to train local human rights observers and deploy a sufficient number of human rights field officers, and recognizes also the need for programmes of technical assistance and advisory services for and in consultation with the Government of Rwanda and for Rwandan human rights organizations, and notes in particular the importance of strengthening the institutional capacity of the Rwandan judiciary, and the urgent need for adequate resources in this area;

20. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights and contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems, including through the regular budget of the United Nations;

21. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session, and to the General Assembly at its fifty-second session.

DRAFT RESOLUTION X

Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[79] the International Covenants on Human Rights,[80] the Convention on the Prevention and Punishment of the Crime of Genocide,[81] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[82] the Convention on the Elimination of All Forms of Discrimination against Women,[83] the Convention on the Rights of the Child[84] and other instruments of human rights and international humanitarian law, including the Geneva Conventions of 12 August 1949[85] and the Additional Protocols thereto, of 1977,[86]

Recalling its resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity", as well as Commission on Human Rights resolution 1994/77 of 9 March 1994,[87] General Assembly resolutions 48/143 of 20 December 1993, 49/205 of 23 December 1994 and 50/192 of 22 December 1995, and relevant resolutions of the Commission on the Status of Women,

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992, in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

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[79] Resolution 217 A (III).

[80] Resolution 2200 A (XXI), annex.

[81] Resolution 260 A (III).

[82] Resolution 39/46, annex.

[83] Resolution 34/180, annex.

[84] Resolution 44/25, annex.

[85] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[86] Ibid., vol. 1125, Nos. 17512 and 17513.

[87] Official Records of the Economic and Social Council, 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina, signed in Paris on 14 December 1995,[88] as a key mechanism for achieving a durable and just peace in Bosnia and Herzegovina,

Taking note of the previous report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina, which, inter alia, states that only sporadic cases of rape and sexual violence have occurred since the previous report of the Secretary-General,[89]

Convinced that the heinous practice of rape, in fulfilling the policy of ethnic cleansing, constitutes a deliberate weapon of war, and noting its resolution 47/121 of 18 December 1992, in which it stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Desirous of ensuring that persons accused of authorizing, aiding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice without further delay by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, where appropriate,

Underlining, in this context, the need for the protection of the rape victims and the provision of effective guarantees of privacy and confidentiality of the rape victims, and desirous of facilitating their participation in the proceedings of the International Tribunal and ensuring that further traumatization will be prevented,

Deeply alarmed at the situation facing victims of rape in armed conflicts in different parts of the world and any use of rape as a weapon of war, in particular in Bosnia and Herzegovina,

Noting with appreciation the efforts of Governments and the work of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, humanitarian organizations, and non-governmental organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

Welcoming the report of the Secretary-General of 25 October 1996,[90] submitted pursuant to resolution 50/192,

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[88] A/50/790-S/1995/999.

[89] A/50/329.

[90] A/51/557.

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia which constitutes a war crime;

2. Expresses its outrage that the deliberate and systematic practice of rape has been used as a weapon of war and an instrument of ethnic cleansing against women and children in Bosnia and Herzegovina;

3. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon States to take all measures required for the protection of women and children from such acts and to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

4. Also reaffirms that all persons who perpetrate or authorize crimes against humanity or other violations of international humanitarian law are individually responsible for those violations and that those in positions of authority who have failed to ensure that persons under their control comply with the relevant international instruments are accountable, together with the perpetrators;

5. Reminds all States of their obligation to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 in the investigation and prosecution of persons accused of using rape as a weapon of war;

6. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, as well as adequate resources and services, at the disposal of the Tribunal;

7. Urges all States and relevant organizations to continue to give serious consideration to the recommendations in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the former Yugoslavia, in particular the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, as well as the provision of protection, counselling and support to victims and witnesses;

8. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are currently among the internally displaced or otherwise affected by the war and who have experienced severe trauma and require psychosocial and other assistance;

9. Also urges all States and all relevant intergovernmental and non-governmental organizations, as well as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the United

Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation and to extend their support to the community-based assistance programmes;

10. Demands that the parties cooperate fully with the International Committee of the Red Cross, the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Commission on Human Rights and her staff, as well as other mechanisms of the Commission on Human Rights, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Organization for Security and Cooperation in Europe including by providing full access;

11. Encourages the Special Rapporteur to continue to pay particular attention to this question, particularly in Bosnia and Herzegovina;

12. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session on the implementation of the present resolution.

DRAFT RESOLUTION XI

Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[91] the International Covenants on Human Rights[92] and all other human rights instruments and instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of victims of war[93] and the Additional Protocols thereto, of 1977,[94] as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their obligations under the human rights instruments to which they are party, and reaffirming also the obligation of all to respect international humanitarian law,

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[91] Resolution 217 A (III).

[92] Resolution 2200 A (XXI), annex.

[93] United Nations, Treaty Series, vol. 75, Nos. I-970 to I-973.

[94] Ibid., vol. 1125, Nos. I-17512 and I-17513.

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

Welcoming the entry into force and implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto, initialled at Dayton, Ohio, on 21 November 1995 and signed by Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), representing also the Bosnian Serb party, at Paris, on 14 December 1995 (together, the "Peace Agreement"),[95] which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights,

Welcoming also the efforts of Member States in assisting in the implementation of the Peace Agreement through their participation in the Implementation Force and other activities directed at resolving the conflicts in the former Yugoslavia, and commending the Organization for Security and Cooperation in Europe for the implementation of the mandates with which it was entrusted by the Peace Agreement,

Welcoming further the basic agreement on the region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement"),[96] signed on 12 November 1995 by the Government of the Republic of Croatia and the local Serb representatives, which created conditions permitting the establishment of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and Security Council resolution 1037 (1996) of 15 January 1996, by which the Council established the Transitional Administration,

Welcoming the participation of Member States in the Transitional Administration and other activities intended to facilitate implementation of the Basic Agreement and the transition of the region of Eastern Slavonia, Baranja and Western Sirmium from local Serb control to control by the Republic of Croatia,

Recognizing the positive effects that the implementation of the Peace Agreement and the Basic Agreement have had on the region since their respective entry into force, in particular the return of peace to the region and the increasing normalization of social, political and economic life,

Noting the Agreement on normalization of relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),[97] in particular article 7 thereof, which, inter alia, ensures conditions for the return of refugees and displaced persons and the return of their property or a

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[95] See A/50/790-S/1995/999; see Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995, document S/1995/999.

[96] See A/50/757-S/1995/951; see Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995, document S/1995/951.

[97] A/51/318-S/1996/706, annex, and A/51/351-S/1996/744, annex.

just compensation, and in that context stressing the positive impact of mutual recognition agreements among successor States of the former Yugoslavia,

Welcoming the holding of elections in Bosnia and Herzegovina on 14 September 1996 with the assistance of the Organization for Security and Cooperation in Europe and other organizations,

Gravely concerned nonetheless at the continuing evidence of violations of human rights and fundamental freedoms taking place in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

Stressing the importance of an effective functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to Security Council resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993, for the positive development of the situation of human rights in the region,

Acknowledging the progress made by the Federation of Bosnia and Herzegovina towards ethnic reconciliation in the region,

Calling upon all parties to the peace agreement to implement the necessary measures in the furtherance of ethnic reconciliation in their respective territories,

Underlining the relationship between the fulfilment by the parties of their human rights commitments and the readiness of the international community to commit resources for reconstruction and development,

Dismayed by the large number of missing persons still unaccounted for, particularly in Bosnia and Herzegovina and in the Republic of Croatia, and noting with approval the establishment of the International Commission on Missing Persons in the Former Yugoslavia and the efforts of the expert member of the Working Group on Enforced or Involuntary Disappearances and of the working and expert groups on the missing, chaired respectively by the International Committee of the Red Cross and the High Representative,

Expressing its particular concern for the situation of women and also that of children, the elderly and refugees, internally displaced persons and minorities, as well as other vulnerable groups in the region,

Calling attention to the reports and recommendations of the Special Rapporteur of the Commission on Human Rights, Mrs. Elizabeth Rehn, on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and

Montenegro), including her most recent reports of 4 November 1996[98] and 12 November 1996,[99] and especially the recommendations set forth therein,

Acknowledging efforts made by the Governments of the region to meet the recommendations of the Special Rapporteur, which have yet to be implemented fully,

Recalling the report on the situation of human rights in Croatia[100] presented to the Security Council in application of Council resolution 1019 (1995) of 9 November 1995,

Recalling also its resolutions 50/192 and 50/193 of 22 December 1995, Commission on Human Rights resolution 1996/71 of 23 April 1996[101] and all relevant resolutions of the Security Council, especially resolution 1009 (1995) of 10 August 1995,

1. Expresses its serious concern about continuing human rights violations within Bosnia and Herzegovina and the delays in fully implementing the human rights provisions of the Peace Agreement;

2. Condemns in the strongest terms the continued forcible expulsion of individuals from their homes in Bosnia and Herzegovina, such as has happened recently in Banja Luka and Mostar, and the practice of destroying the homes of those previously forcibly expelled, and calls for the immediate arrest and punishment of individuals engaged in these actions;

3. Condemns the continuing restrictions on freedom of movement within the Republika Srpska, within some parts of the Federation of Bosnia and Herzegovina, and between the Republika Srpska and the Federation;

4. Expresses concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and calls for the perpetrators of rape to be brought to justice while ensuring that victims and witnesses receive adequate assistance and protection;

5. Insists that all parties implement fully the commitments made in the Peace Agreement to protect human rights, and also insists that the parties act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement and that the parties in Bosnia and

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[98] A/51/651-S/1996/902.

[99] A/51/663-S/1996/927.

[100] S/1996/691.

[101] See E/1996/L.18; to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

Herzegovina comply with the human rights provisions of their national Constitution;

6. Welcomes the conclusions of the meeting of the Ministerial Steering Board and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996,[102] in order to define the guiding principles of the civilian consolidation plan of the peace process in Bosnia and Herzegovina, in particular in the field of human rights;

7. Calls upon the Peace Implementation Meeting to be held in London on 6 December 1996 to ensure that the promotion of human rights, including the fulfilment of their respective human rights obligations by the parties to the Peace Agreement, as well as the strengthening of national institutions, will be a central element in the new civilian structure implementing the Peace Agreement;

8. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to undertake substantially greater efforts to institute democratic norms, especially in regard to the protection of free and independent media, and full respect for human rights and fundamental freedoms;

9. Strongly urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation and to apply all other legislation without discrimination and to take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group;

10. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate action to put an end to the repression of and prevent violence against non-Serb populations in Kosovo, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention and unfair trials, and also to respect the rights of persons belonging to minority groups in the Sandjak and Vojvodina and of persons belonging to the Bulgarian minority;

11. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to act immediately to allow free determination and full participation by all residents in Kosovo in the political, economic, social and cultural life of the region, particularly in the areas of education and health care, and to ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation;

12. Calls upon the Government of the Republic of Croatia to fully respect human rights and fundamental freedoms, including the rights of persons belonging to any national, ethnic, religious or linguistic minority;

13. Also calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic norms, especially in regard to the Zagreb city council and the protection of free and independent media, and to

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[102] S/1996/968, appendix.

cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to assure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including their right to remain, leave or return in safety and dignity;

14. Calls for the full and consistent implementation of the Peace Agreement and the Basic Agreement by all the parties to them;

15. Urges all the parties to the Peace Agreement to create the necessary political, social and economic conditions for the return of refugees and displaced persons in safety and dignity;

16. Insists that all authorities in Bosnia and Herzegovina cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina, created under annex 6 to the Peace Agreement, in particular by providing information requested by the Human Rights Ombudsman and by participating in hearings before the Human Rights Chamber, and demands that the Republika Srpska cease its pattern of non-cooperation with the Commission;

17. Calls upon the Commission on Human Rights for Bosnia and Herzegovina to intensify its activities concerning alleged or apparent violations of human rights, or alleged or apparent discrimination of any kind;

18. Welcomes the commitments of the international community for post-war reconstruction and development assistance, and encourages the expansion of this assistance, while noting that such assistance should be conditioned on full compliance by the parties with agreements that have been made;

19. Urges the parties to create the necessary conditions for free and fair municipal elections to be held as soon as possible and as envisaged in the Peace Agreement, under the supervision of the Organization for Security and Cooperation in Europe;

20. Welcomes the enactment by the Republic of Croatia on 20 September 1996 of a new general amnesty law, intended in part to promote confidence on the part of the local Serb population, and calls for the proper implementation of that law;

21. Calls upon the Government of the Republic of Croatia to allow the expeditious return of all refugees and displaced persons and to use all available means to secure their safety and human rights, and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

22. Strongly condemns the continuing refusal of the authorities of the Republika Srpska, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), certain other elements within the Federation and to some extent the Government of the Republic of Croatia to arrest and surrender indicted war criminals known to be present in their territories, as they have agreed to do under the Peace Agreement;

23. Urgently calls upon all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993), including with respect to surrendering persons sought by the International Tribunal, and urges all States and the Secretary-General to support the International Tribunal to the fullest extent possible, in particular, by helping to ensure that persons indicted by the Tribunal stand trial before it;

24. Demands that the Government of Bosnia and Herzegovina, in particular the authorities of the Republika Srpska, and the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations;

25. Welcomes the interim reports[98,99] of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and commends the Special Rapporteur and the United Nations Human Rights Field Operation in the former Yugoslavia for their continuing efforts;

26. Urges all parties to implement fully the recommendations of the Special Rapporteur of the Commission on Human Rights;

27. Calls upon the authorities of the States and entities within the mandate of the Special Rapporteur to cooperate with her and to provide her on a regular basis with information about the actions they are taking to implement her recommendations;

28. Reaffirms, as recommended previously by the Special Rapporteur, that major reconstruction aid must be made conditional on demonstrated respect for human rights, emphasizes in that context the necessity of cooperation with the International Tribunal, and welcomes in this regard the conclusions of the meeting of the Steering Board and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996;[102]

29. Welcomes the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission and the United Nations High Commissioner for Human Rights in monitoring and strengthening the respect for human rights and fundamental freedoms in Bosnia and Herzegovina and the region;

30. Calls upon the parties to the Peace Agreement to take immediate steps to determine the identity, the whereabouts and the fate of missing persons, in particular near Srebrenica, Žepa, Prijedor, Sanski Most and Vukovar, including through close cooperation with the International Commission on Missing Persons in the Former Yugoslavia, other international humanitarian organizations and independent experts, and commends the work undertaken by the expert member of the Working Group on Enforced or Involuntary Disappearances of the Commission on

Human Rights, the Special Rapporteur, the Working Group on the process for tracing persons unaccounted for, chaired by the International Committee of the Red Cross, and the Expert Group on Exhumation and Missing Persons, chaired by the High Representative, and stresses the importance of coordinating work in this area;

31. Encourages all Governments to respond favourably to appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, the Commission for Real Property Claims of Refugees and Displaced Persons for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the United Nations High Commissioner for Human Rights/Centre for Human Rights and other institutions of reconciliation, democracy and justice in the region;

32. Decides to continue its examination of this question at its fifty-second session under the item entitled "Human rights questions".

DRAFT RESOLUTION XII

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[103] the International Covenants on Human Rights[104] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 50/194 of 22 December 1995,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992,[105] in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of

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[103] Resolution 217 A (III).

[104] Resolution 2200 A (XXI), annex.

[105] See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling further Commission on Human Rights resolution 1996/80 of 23 April 1996,[106] in which the Commission decided to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar,

Noting with concern that the Government of Myanmar has not yet agreed to visits by a representative of the Secretary-General and by the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the release without conditions of Nobel Peace Prize Laureate Aung San Suu Kyi on 10 July 1995,

Gravely concerned at the travel and other restrictions placed on Aung San Suu Kyi and other political leaders and at the recent mass arrests of members and supporters of the National League for Democracy for peacefully exercising their right to freedom of expression, assembly and association, and alarmed by the attack, on 9 November 1996, on Aung San Suu Kyi and other members of the National League for Democracy,

Recalling the withdrawal and subsequent exclusion from the National Convention of members of the National League for Democracy in late 1995,

Regretting the failure of the Government of Myanmar to open a political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Gravely concerned at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, killings of civilians, torture, arbitrary arrest and detention, deaths in custody, absence of due process of law, severe restrictions on freedoms of opinion, expression, assembly and association, violations of freedom of movement, forced relocation, forced labour and portering and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Recalling the observation made by the Special Rapporteur, that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Recalling also the conclusion of ceasefire agreements between the Government of Myanmar and several ethnic groups,

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[106] See E/1996/L.18; to be issued in final form in Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

Noting that the human rights situation in Myanmar has resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[107] and urges the Government of Myanmar to cooperate fully with the Special Rapporteur;

2. Also expresses its appreciation to the Secretary-General for his report;[108]

3. Deplores the continued violations of human rights in Myanmar;

4. Requests the Government of Myanmar to permit unrestricted communication with and physical access to Nobel Peace Prize Laureate Aung San Suu Kyi and other political leaders by members and supporters of the National League for Democracy and to protect their physical well-being;

5. Strongly urges the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

6. Urges the Government of Myanmar to engage, at the earliest possible date, in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

7. Welcomes the discussions between the Government of Myanmar and the Secretary-General, and further encourages the Government of Myanmar to allow a visit by the Representative of the Secretary-General, as soon as possible, in order to allow for a broader dialogue in Myanmar;

8. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely;

9. Expresses its concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State, and notes also with concern that the working procedures of the National

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[107] A/51/466.

[108] A/51/660.

Convention do not permit the elected representatives of the people freely to express their views;

10. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

11. Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the right to fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations, and to enforced disappearances and summary executions;

12. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights,[104] and the International Covenant on Economic, Social and Cultural Rights[104] and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;[109]

13. Strongly urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and encourages the Government of Myanmar to cooperate more closely with the International Labour Organization;

14. Stresses the importance for the Government of Myanmar to give particular attention to conditions in the country's jails and to allow the International Committee of the Red Cross to communicate freely and confidentially with prisoners;

15. Calls upon the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[110] to halt the use of weapons against the civilian population and to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail itself of such services as may be offered by impartial humanitarian bodies;

16. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring

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[109] Resolution 39/46, annex.

[110] United Nations, Treaty Series, vol. 75, Nos. 970-973.

countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

17. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in the implementation of the present resolution and its efforts for national reconciliation and to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-third session;

18. Decides to continue its consideration of this question at its fifty-second session.

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72. The Third Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Situation of human rights in Estonia and Latvia

The General Assembly, having concluded the consideration of the question on the basis of the information provided by the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, pursuant to its resolution 48/155 of 20 December 1993, entitled "Situation of human rights in Estonia and Latvia", welcomes and encourages the activities undertaken and being undertaken in this regard, by relevant regional and international organizations, including the Organization for Security and Cooperation in Europe, as well as the measures by the Governments of Estonia and Latvia in implementation of the recommendations of those organizations.

DRAFT DECISION II

Documents considered by the General Assembly in connection with human rights questions: human rights situations and reports of Special Rapporteurs and Representatives

The General Assembly takes note of the report of the Secretary-General on the situation of human rights in southern Lebanon and western Bekaa[111] and the note by the Secretary-General transmitting the report of the Special Rapporteur on the Situation of human rights in Burundi.[112]

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[111] A/51/507.

[112] A/51/459.